REMARKS

Applicant wishes to thank the Examiner for the notice of allowable subject matter. Applicant has amended claims 1, 8, 9, and 11. Claims 18 through 21 are withdrawn. Applicant has also amended paragraphs 33-35, 39, 40, and 42 of the specification to correct typographical errors as well as to correct informalities in the reference numbers within the specification. Applicant has limited use of reference number 24 to designate L-shaped members in embodiments of the invention other than those embodiments shown and described by Figures 6 and 7. Reference number 26 is used to describe L-shaped members shown and described in Figures 6 and 7. Additionally, Applicant has amended paragraph 40 of the specification to replace the phrase "the divider plate 48" with "the divider plate 42." In view of these corrections, Applicant respectfully requests that the Examiner withdraw the objections to the specification.

I. REJECTION OF CLAIMS 1, 8, AND 11-14 UNDER 35 U.S.C. § 112

Applicant respectfully traverses the Examiner's rejection of claims 1, 8, and 11-14 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Applicant has amended claims 1, 8, 9, and 11 of the application to comply with § 112 as requested by the Examiner. Independent claim 1 comprises an inner section and outer section. Dependent claims 7, 9, and 11 also describe the outer section of the invention. The specification and drawings further define the outer section 12 as having a floor surface 14 and a vertical surface 16.

Applicant has amended claim 8 to replace "the circumference bottom plate" with

"the circumference of the bottom plate." This amendment corrects a typographical error in claim 8 to overcome the antecedent basis problem. Applicant has also amended claim 9, which formerly depended upon claim 1, to depend upon claim 3, and has amended claim 11, which formerly depended upon claim 3, to depend upon claim 9. Claim 11's dependency upon claim 9 corrects the antecedent basis problem raised by the Examiner. In addition, this amendment to claims 9 and 11 also correct the antecedent basis problem with claims 12 through 14 which depend from claim 11. Applicant respectfully requests that the Examiner withdraw these rejections under 35 U.S.C. § 112, and allow claims 1, 8, and 11-14.

II. REJECTION OF CLAIMS UNDER 35 U.S.C. § 102(b)

A. Claims 1-9 and 15-17

Applicant respectfully traverses the Examiner's rejection of claims 1-9 and 15-17 under 35 U.S.C. § 102(b), as being anticipated by Bachmann, U.S. Patent No. 5,269,436. Applicant has amended independent claim 1 to state that the vacuum (or negative pressure) in the interstitial space is maintained is maintained continuously and at a sufficient pressure to reduce corrosion and to provide a means for leakage detection. The existence of the continuous negative pressure in the interstitial space is disclosed and described in Applicant's specification as well as in claim 22, and therefore, no new matter is added by this amendment. The continuous negative pressure element of Applicant's invention differs markedly from the use of a vacuum described by the Bachmann reference. Column 5, lines 58-64, of Bachmann states:

> In accordance with a preferred feature of the invention, a vacuum or under-pressure is applied to the space between the outer wall and the embossed

> foil while the plastic material coating the inner surface of the embossed foils is still plastically flowable or somewhat fluid. This vacuum or under-pressure is applied until the [epoxy] resin has cured.

Claim 15 of the Bachmann reference reiterates this information in stating that the vacuum is maintained until the plastic material has cured. Moreover, Applicant uses the continuous vacuum to reduce corrosion and to provide a means for leakage detection, while Bachmann uses a vacuum to test the tightness of the contact of the embossed foils (25) and plastic layer (27) against the inside surface of the outer wall (21) of that invention. See Bachmann reference, column 8, lines 14-27.

Thus, Bachmann describes a temporary vacuum while Applicant discloses and claims a continuous vacuum. The purposes of the Bachmann vacuum also differ greatly from the purpose of the Applicant's use of the vacuum. Therefore, the Examiner's rejection of Applicant's independent claim 1 under 35 U.S.C. § 102(b) cannot be sustained. Applicant respectfully requests that the Examiner withdraw this rejection and allow said claim.

Finally, dependent claims 2-9 and 15-17 ultimately depend upon independent claim 1, and thus, incorporate by reference all of the elements and limitations of independent claim 1. 35 U.S.C. § 112, fourth paragraph. This includes the novel feature disclosed in claim 1 of a continuous and sufficient negative pressure that is maintained in the interstitial space to reduce corrosion and to provide a means for leakage detection. As explained above, a continuous negative pressure is not disclosed by the Bachmann reference. Therefore, the Examiner's rejection of Applicant's claims 2-9 and 15-17 under 35 U.S.C. § 102(b) cannot be sustained. Applicant respectfully requests that the Examiner

withdraw this rejection and allow said claims.

B. Claims 22-23

Applicant respectfully traverses the Examiner's rejection of claims 22-23 under 35 U.S.C. § 102(b), as being anticipated by Bachmann, U.S. Patent No. 5,269,436. Applicant's independent claim 22 claims and describes "a high continuous negative pressure" that is applied to the interstitial spaces. The existence of the continuous negative pressure in the interstitial spaces is described also in Applicant's specification. The continuous negative pressure element of Applicant's invention differs markedly from the use of a vacuum described by the Bachmann reference. Column 5, lines 58-64, of Bachmann states:

> In accordance with a preferred feature of the invention, a vacuum or under-pressure is applied to the space between the outer wall and the embossed foil while the plastic material coating the inner surface of the embossed foils is still plastically flowable or somewhat fluid. This vacuum or under-pressure is applied until the [epoxy] resin has cured.

Claim 15 of the Bachmann reference reiterates this information in stating that the vacuum is maintained until the plastic material has cured. Moreover, Applicant uses the continuous vacuum to reduce corrosion and to provide a means for leakage detection, while Bachmann uses a vacuum to test the tightness of the contact of the embossed foils (25) and plastic layer (27) against the inside surface of the outer wall (21) of that invention. See Bachmann reference, column 8, lines 14-27.

The Bachmann reference describes a temporary vacuum while, in independent claim 22, Applicant discloses and claims a continuous vacuum. The purposes of the Bachmann vacuum also differ greatly from the purpose of the Applicant's use of the

vacuum. Therefore, the Examiner's rejection of Applicant's independent claim 22 under 35 U.S.C. § 102(b) cannot be sustained. Applicant respectfully requests that the Examiner withdraw this rejection and allow said claim.

Dependent claim 23 ultimately depends upon independent claim 22, and thus, incorporates by reference all of the elements and limitations of independent claim 22. 35 U.S.C. § 112, fourth paragraph. This includes the novel feature disclosed in claim 22 of a high continuous negative pressure that is applied to the interstitial spaces of the invention. As explained above, a continuous negative pressure is not disclosed by the Bachmann reference. Therefore, the Examiner's rejection of Applicant's claim 23 under 35 U.S.C. § 102(b) cannot be sustained. Applicant respectfully requests that the Examiner withdraw this rejection and allow said claim.

C. Claims 24-25

Applicant respectfully traverses the Examiner's rejection of claims 24-25 under 35 U.S.C. § 102(b), as being anticipated by Bachmann, U.S. Patent No. 5,269,436. The Examiner has not demonstrated that the Bachmann reference discloses the means for forming an inner layer and an outer layer or the means for dividing the system into two or more independently sealed sections that are claimed by Applicant. In the specification, Applicant describes the skirt of the inner section 18, which are components of the means for forming an inner section, as being made preferably from steel, such as a 3/16 inch steel plate. Bachmann describes an inner wall 23 comprised of a laminate made from aluminum foil 25 and a plastic layer 27 having an embedded glass fiber fabric 29. See Bachmann reference, column 7, lines 19-21, 28-32. As part of the means for dividing, Applicant

describes in the specification a tank divider plate 42 that is sealed to the floor surface of the outer section on one side so as to be impermeable to gas while being attached on the other side so as to be gas permeable. Bachmann does not describe these elements of Applicant's invention as a means for dividing, but describes ridges on the foil as a means for dividing that system into two or more independently sealed sections. The means for forming and means for dividing elements of independent claim 24 must be construed to cover the corresponding structure and material described in the specification and equivalents thereof. 35 U.S.C. § 112, sixth paragraph. Clearly, these elements are not the same as those described by Applicant's specification with respect to Applicant's forming means in claim 24. Thus, in construing the forming means and dividing means of claim 24 to cover the corresponding structure and material described in the specification and equivalents thereof, the Examiner has failed to demonstrate that the Bachmann reference discloses the forming means and dividing means as claimed by Applicant. The Examiner's rejection of independent claim 24 under 35 U.S.C. § 102(b) cannot be sustained.

Dependent claim 25 ultimately depends upon independent claim 24, and thus, incorporates by reference all of the elements and limitations of independent claim 24. 35 U.S.C. § 112, fourth paragraph. This includes the novel feature disclosed in claim 24 of a means for forming an inner layer and an outer layer as well as the means for dividing the system into two or more independently sealed sections. As explained above, the forming means and dividing means, as construed by reference to Applicant's specification, are not disclosed by the Bachmann reference. Therefore, the Examiner's rejection of Applicant's claims 25 under 35 U.S.C. § 102(b) cannot be sustained. Applicant respectfully requests

that the Examiner withdraw this rejection and allow said claim.

If there are any additional charges, including extension of time, please bill our Deposit Account No. 13-1130.

Respectfully submitted,

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